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Town of Nantucket, MA



Chapter 58

CAR RENTAL AGENCIES, REGISTRATION OF

§ 58-1.	Definitions.	§ 58-4.	Nontransferability.
§ 58-2.	License required to rent or	§ 58-5.	Violations and penalties.
	lease vehicles; sticker required on rental vehicles.	§ 58-6.	Vehicles with controls for disabled.
§ 58-3.	Annual fee; issuance of licenses and stickers.	§ 58-7 .	Electric vehicles.
8 58-3.1.	Licensee to pay fees.		

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-17-1988 by Art. 109, approved 9-28-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Moped rental agencies - See Ch. 57, Art. III.

§ 58-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BATTERY ELECTRIC VEHICLE — A motor vehicle propelled by a motor powered by electrical energy from rechargeable batteries or other source onboard the vehicle.[Added 4-4-2011 ATM by Art. 77, approved 7-26-2011]

MOTOR VEHICLE — The same meaning as defined in the General Laws.

RENTAL AGENCY — A person, business or corporation engaged in the Town of Nantucket in the business of renting, leasing or keeping for rent any motor vehicle. [Amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

RENTAL or LEASE — To grant or make available the use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.[Amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

§ 58-2. License required to rent or lease vehicles; sticker required on rental vehicles. [Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motor vehicle without first being licensed annually by the Select Board to do so. It shall be unlawful for any motor vehicle to be rented, leased or made available for rental or lease in the Town of Nantucket without such motor vehicle displaying a rental sticker affixed to the rear bumper pursuant to this chapter.

^{1.} Editor's Note: The home rule petition was approved by the General Legislature 7-24-1989, Ch. 266 of the Acts of 1989.

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Town of Nantucket, MA

§ 58-3

NANTUCKET CODE

§ 58-5

§ 58-3. Annual fee; issuance of licenses and stickers. [Amended 4-14-1997 ATM by Art. 54²; 4-14-1997 ATM by Art. 55, approved 8-5-1997; 4-13-1998 ATM by Art. 54, approved 7-31-1998; 4-10-2000 ATM by Art. 53, approved 8-2-2000; 4-15-2003 ATM by Art. 65, approved 6-30-2003; 4-12-2004 ATM by Art. 53, approved 9-3-2004]

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a listing of the registration number of each motor vehicle available or to be available for lease for the year in which the license is to be valid. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.
- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Select Board shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease one motor vehicle. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.
- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.
- D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.

§ 58-3.1. Licensee to pay fees. [Added 4-10-1995 ATM by Art. 60, approved 5-22-1995]

No license pursuant to this chapter shall be issued unless or until the applicant shall have paid to the Town all lease or rental transaction surcharges established by MGL c. 90, § 20E(i).

§ 58-4. Nontransferability.

The license shall not be transferable between businesses, persons or corporations, nor between location of business premises; individual motor vehicle stickers shall not be transferable between different motor vehicles.

^{2.} Editor's Note: In accordance with MGL c. 40, § 32, these changes became effective by reason of failure of the Attorney General to act.

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Town of Nantucket, MA

§ 58-5

CAR RENTAL AGENCIES, REGISTRATION OF

§ 58-7

§ 58-5. Violations and penalties. [Amended 4-14-2005 ATM by Art. 56, approved 8-5-2005]

Violations of this chapter shall be punishable by a fine of \$300, each day being considered a separate offense.

§ 58-6. Vehicles with controls for disabled. [Added 4-10-2000 ATM by Art. 52, approved 8-2-2000; amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

Any rental motor vehicle equipped with controls for the disabled and used by a disabled person shall not be required to have a rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.

§ 58-7. Electric vehicles. [Added 4-4-2011 ATM by Art. 77, approved 7-26-2011; 6-25-2020 ATM by Art. 70, approved 10-27-2020]

The Select Board may develop an exemption for up to 10 battery electric vehicles from the rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.

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SHEEHAN PHINNEY

of PLAINTIFF'S EXHIBIT

EXHIBIT

6-13-24 MC

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July 10, 2023

Via E-mail and Overnight Mail

Town of Nantucket Select Board 37 Washington Street Nantucket, MA 02554

Re: Illegal Car Rentals

Dear Members of the Select Board:

This firm represents Nantucket Island Rent-A-Car ("Nantucket Rent-A-Car") and Affordable Rentals. Nantucket Rent-A-Car is the current holder of 93 automobile rental medallions and Affordable Rentals holds 70 medallions. Both companies are locally owned businesses with a long personal and financial commitment to Nantucket. Both pay thousands of dollars annually for car rental medallions and for excise tax on vehicles garaged in Nantucket. Both companies employ local residents, generate revenue for the Town, and are good corporate citizens.

Chapter 58 of the Town By-laws requires that anyone wishing to rent automobiles on the Island apply for an annual license (medallion) from the Select Board. (§58-2). The cost for the license is \$100 per vehicle, which fee is set by statute, unless an excise tax is already being paid to the Town for rental vehicles registered in Nantucket. (§58-3A). The by-law caps the total number of rental vehicles available for lease at 700, and for each approved vehicle, the Town issues a medallion. The cap on the number of medallions, as we understand it, was instituted, in large part, to limit the number of rental cars on the island and the resultant traffic congestion.

It has come to the attention of my clients that multiple businesses appear to be renting cars on the Island without being licensed to do so. Not only is this in violation of the by-laws, but it is having a direct financial impact on the Town and on my clients. We understand that this has been brought to the attention of the Select Board informally, but to our knowledge the Select Board has declined to address the issue, perhaps because until a formal complaint is issued the Board cannot proceed. To that end, by this letter, we are formally requesting that the Select Board investigate the situation, order any offending companies to cease the unlicensed rental of automobiles, and issue fines as permitted under Section 58-5 of the by-laws. We also request that the Nantucket Police Department be instructed to take all necessary steps to enforce the car rental medallion by-law.

Select Board July 10, 2023 Page 2

Although we believe the problem is larger than we even recognize, to assist the Select Board in its investigation and enforcement efforts, we are aware of at least the following companies that appear to be violating the Town by-law:

- 1. Becky's Broncos Nantucket (<u>www.beckysbroncos.com</u>). According to their website, they are "Your Go-To Bronco Only Rental Car Fleet On ACK." Not only does Becky's Broncos hold no medallions, it has no permission from the Airport Commission to be renting cars at the airport. Becky's Broncos has an address on the Island at 1 Yawkey Way, Unit 1. According to the Secretary of State's website, Becky's Broncos also has an address at 248 Mill Road, Suite 3, Chelmsford, MA 01824.
- 2. Nantucket Classic Car Rentals (www.ackccr.com). Their website urges consumers to "Discover Nantucket's charm with our vintage car rentals, perfect for exploring the island or enhancing special events." We understand that Nantucket Classic Car Rentals operates out of the Great Harbor Yacht Club at 56 Union Street. Nantucket Classic Car Rentals holds no rental car medallions.
- 3. ACK Jeeps (<u>www.ack-jeeps.com</u>). ACK Jeeps bills itself as the "The Authentic Nantucket Experience". We do not know if they also rent from the airport as their name suggests, though if they are, it is without permission from the Airport Commission. Our clients observe that although rented on Nantucket, the rental vehicles have Connecticut license plates so the Town is missing out on the excise tax too. No medallions have been issued to ACK Jeeps.
- 4. ACK Rentals (<u>www.ackeventsandrentalservices.com</u>). ACK Rentals "welcomes you to Nantucket" and offers a variety of additional products (such as coolers, beach chairs, picnic baskets) to allow visitors to enjoy the Island beaches. No medallions have been issued to ACK Rentals.
- 5. VRBO (www.vrbo.com) is offering multiple property rentals for which you can add on a car rental. As an example, take a look at Rental # 2831090. The property description is: "Gorgeous house with heated pool, JEEP Rental Nantucket." Even if we assume that the primary purpose of VRBO and the property owners is to rent vacation homes, part of the business is also clearly renting motor vehicles. We note that Section 58.2 of the Town By-law defines the "Rental or Lease" of motor vehicles as "to grant or make available for use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto." (Emphasis added). Clearly, the VRBO renter is not exempt from the rental car licensing by-law simply because the primary goal is the renting of a home.
- 6. Turo (www.turo.com). Turo bills itself as a car sharing marketplace. If you search on the website, there are currently approximately 200 motor vehicles available for rental on Nantucket. Our understanding is that these cars remain continuously on the Island during the high season.

Select Board July 10, 2023 Page 3

Assuming that our understanding of these businesses is true, even this small sampling demonstrates that this is not an isolated issue. Not only is this directly impacting revenues which should go to rental car companies that are complying with the Town by-laws, it also clearly impacts revenues that should be paid to the Town. Both the Town and our clients are losing thousands of dollars annually. Non-compliant companies are undermining and doing an "end run" around the Town by-laws, and are contributing to traffic congestion. Adding insult to injury, the Town sells resident beach permits to the illegally rented vehicles at the resident rate, while licensed car rental companies have to pay a higher rate for beach stickers. That is fundamentally unfair.

As noted above, on behalf of our clients, we formally request that the Select Board investigate this growing situation and take all necessary steps to stop it. Our clients and we are available to assist the Board in whatever manner it deems appropriate. We also request that we be kept apprised of the Board's actions.

Thank you for your anticipated action.

Very truly yours,

John H. Perten

JHP/lmb

Cc: Select Board members (via e-mail)
Airport Commission (via e-mail)
Nantucket Rent-A-Car
Affordable Rentals

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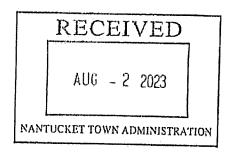
July 28, 2023

Via E-mail and Overnight Mail

Town of Nantucket
Select Board
37 Washington Street
Nantucket, MA 02554

Re:

Illegal Car Rentals



Dear Members of the Select Board:

As you know, this firm represents Nantucket Island Rent-A-Car ("Nantucket Rent-A-Car") and Affordable Rentals. Nantucket Rent-A-Car is the current holder of 93 automobile rental medallions and Affordable Rentals holds 70 medallions. I am following up on my letter dated July 10, 2023 to bring additional information to your attention and to inquire as to what steps the Board plans to take as a result of the complaint set forth in that letter. We are a bit concerned that nobody has contacted us.

We understand that the Airport Commission is currently negotiating a contract with Turo under the mistaken impression that they can allow Turo to rent cars from the airport even though no medallions have been issued. While the Airport Commission may have the right to enter into a contract with Turo to allow it to operate from the airport premises, that does not exempt Turo from the Nantucket by-law which requires that car rental companies have a medallion for each automobile that they are renting. Though presumably unintentionally, the Airport Commission is being complicit in the continued flaunting and violation of Chapter 58 of the Town By-laws by the unlicensed car rental companies. Unless the Town enforces its by-law, the Island will continue to be flooded by illegal car rentals which will negatively impact the Town quality of life through additional traffic congestion, and negatively impact those car rental companies, such as our clients, who are abiding by the By-law and paying their annual fees. Neither the Town nor my clients can turn a "blind eye" to this very real problem.

To give you a greater sense of the scope of the issue, attached is a spreadsheet compiled by Affordable Rentals which identifies 153 car rentals currently listed in Turo for rental on Nantucket. Not one of these has a medallion. This represents thousands of dollars of lost revenue to the Town and to my client.

We renew our request that the Select Board enforce Chapter 58 of the Town By-laws, and respectfully request that you contact the undersigned to advise as to the Select Board's planned response to this matter. We are willing to meet with you at your convenience.

Select Board July 28, 2023 Page 2

Thank you for your anticipated action.

Very truly yours,

John H. Perten

JHP/cmd Enclosure

Cc: Select Board members (via e-mail)

Airport Commission (via e-mail)

Noah Karberg, Airport Manager (via e-mail)

Boyana Stoykova-Nelson (via e-mail)

Linda True (via e-mail) Nantucket Rent-A-Car

Affordable Rentals

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The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110 Tel: 617.556.0007 | Fax: 617.654.1735 www.k-plaw.com

> Brian W. Riley briley@k-plaw.com

August 10, 2023

BY ELECTRONIC MAIL ONLY (jperten@sheehan.com)

John H. Perten, Esq. Sheehan Phinney 28 State Street, 22nd Floor Boston, MA 02109

Re: Town of Nantucket - Unlicensed Car Rental

Dear Attorney Perten:

This firm serves as Town Counsel to the Town of Nantucket, and I am writing in response to your letter of July 28, 2023 regarding your clients, Nantucket Rent-A-Car and Affordable Rentals. The Select Board is aware of this issue and will be discussing what steps may be available to address the problem in the near future. I would note that we are not legal counsel to the Airport Commission and cannot comment on what policies or decisions the Commission may be making regarding Turo or other online "car sharing" entities. I assume, however, that the Commission may be following the lead of other airports, such as Logan Airport in Boston, in creating agreements with Turo for designated spaces, notwithstanding that such vehicles lack medallions from the municipality. See Massachusetts Port Authority v. Turo Inc., 487 Mass. 235 (2021).

While the Select Board shares your clients' concerns with these unlicensed vehicle rentals, enforcement poses significant obstacles. It does not violate Chapter 58 of the Town Code for individuals to list their vehicle with Turo or other private entities, and it has proven very challenging to attempt to observe such private rentals occurring at the moment. Neither the Police Department nor any other Town department has staff that could possibly find all violations of the bylaw that appear to be occurring (based on the list you provided), as most transactions occur in unknown locations.

Notwithstanding these difficulties, the Select Board does intend to discuss the issue and examine what steps may be feasible to address it. The issue is somewhat analogous to what was occurring with ride-share and private home rentals (Uber and Airbnb, for example), which were ultimately addressed by the General Court. There are bills pending in both the House and Senate regarding peer-to-peer car sharing, although it will likely be some time before anything is enacted on this subject. This would not address the cap on leased vehicles in Chapter 58, but it may assist in enforcement of that bylaw. In the meantime, the Select Board shares your concerns and will be further discussing how to address it in the near future.



John H. Perten, Esq. August 10, 2023 Page 2

Very truly yours,

BWR/dtk

Select Board

Town Manager 876531/NANT/0001





Becky's Broncos <beckysbroncosack@gmail.com>

Record Request - car rental license & medallions etc.

Baxter, Amy <abaxter@police.nantucket-ma.gov>

Mon, Jun 3, 2024 at 5:48 PM

To: Laura Raimo < lraimo@nantucket-ma.gov>

Cc: Becky's Broncos <beckysbroncosack@gmail.com>, Maureen Coleman <mcoleman@nantucket-ma.gov>

Thank you for forwarding Laura. Rebecca, for future reference the Town has an online portal to request records and that you can search for previous requests and records so you may find info there as well: https://nantucketma.justfoia.com/publicportal/home/newrequest

We have been getting this request quite a bit so I put together the group of 2024 Licenses and renewal forms for each agency that have not changed in the 8 years I have been here – just the year on the license. Also below is the distribution chart for medallions. I do not have the original applications from the 90's when the bylaw was enacted or anything before probably 2015/6. I can ask Town Admin if it's possible to do a physical search as they would be hand written and not kept electronically.

As for the documents showing medallion usage or non-usage – that would probably be invoices issued for the unused medallions. We can pull those together this week. Mostly that would be for Hertz and each unused medallion is \$100 per chart below.

AGENCY DBA	#MEDALLIONS ASSIGNED
AFFORDABLE RENTALS	70
NANTUCKET CAR RENTAL	2
NANTUCKET ISLAND RENT-A-CAR	93

NANTUCKET WINDMILL AUTO	187
YOUNG'S BIKE SHOP	30
HERTZ RENT-A-CAR	310
ISLAND BUGGIES (NON-RENEWAL IN 2021)	10 – only 8 can be returned to distribution as 2 were over the 700 limit)

YEAR	HERTZ UNUSED MEDALLIONS @ \$100 EACH
2016	90
2017	125
2018	148
2019	133
2020	205
2021	133
2022	106
2023	120

Amy C. Baxter

Licensing Administrator

Nantucket Police Department

Licensing and Permits Office

Public Safety Facility, Lobby Permits Window

Monday - Friday 8am - 4pm

4 Fairgrounds Road, Nantucket, MA 02554

508-325-4100, x5917 or x5832

licensing@police.nantucket-ma.gov

This electronic message and any attached files contain information from the Town of Nantucket and The Nantucket Police Department that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

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3 attachments



RENTAL-RENEWALS-ALL-2024.pdf 1935K



2024-MV RENTAL-LICENSE-ALL.pdf 933K



PRR_RENTALCARlicense_medallion_info.pdf 44K